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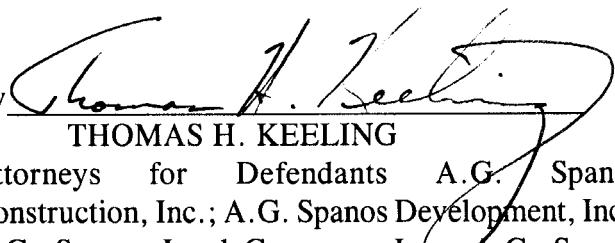
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

23 PLEASE TAKE NOTICE that on May 13, 2008 -- after the filing of the Spanos
24 Defendants' Petition for Certification pursuant to pursuant to 28 U.S.C., section 1292(b) -- the
25 United States Court of Appeals for the Ninth Circuit issued its *en banc* decision in *Garcia v.*
26 *Brockway*, __ F.3d __, 2008 U.S. App. LEXIS 10258 (9th Cir. 2008). The Spanos Defendants
27 respectfully submit that the Ninth Circuit's *en banc* Opinion in *Garcia v. Brockway* is relevant to
28

1 the pending petition for certification under 28 U.S.C., section 1292(b), specifically with respect
2 to the discussion of the statute of limitations on claims brought under 42 U.S.C. section
3 3604(f)(3)(c).
4

5 Dated: June 2, 2008

6 FREEMAN, D'AIUTO, PIERCE, GUREV,
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8 By 

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